

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	CR.No. 2004-M-0486-RBC
)	
Plaintiff)	MOTION TO DISMISS
)	
v.)	
)	
SHAWN WINBUSH)	
)	
Defendant.)	
)	

COMES NOW DEFENDANT SHAWN WINBUSH by and through his attorney of record and moves this Honorable Court to dismiss the above captioned matter on the grounds that the government has violated the Speedy Trial Act, 18 U.S.C. § 3161(b), by failing to indict him within 30 days of his arrest on the complaint.

As reasons therefore, the Defendant states that:

1. On October 7, 2004 a criminal complaint issued against Mr. Winbush for importing 500 grams or more of cocaine.
2. On October 15, 2004 Mr. Winbush appeared before this Honorable Court for a detention and preliminary examination hearing.
3. Mr. Winbush has been preliminary detained pending alternative housing since October 15, 2004.
4. More than thirty days have transpired since the complaint and arrest of Mr. Winbush.

WHEREFORE, DEFENDANT respectfully requests that the complaint against him be dismissed and that he be released from his custodial status.

Date: 11/24/04

Respectfully submitted,

/s/ Victoria M. Bonilla

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